



ISVILLE JOURNAL  
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D. PRENTICE,  
R. SHIPMAN, Editors

NION STATE CONVENTION.

The majority of the Central Committee, by the resolution of the convention at Louisville, assembled in Louisville the 18th March, 1863, consider that the people of Kentucky, who stand upon and endorse the adopted by the Union Democratic Union held in the city of Louisville, on the 1st of May last, and who desire to be requested to select delegates to be held in the said city on the 1st of May next, to form a convention of former members of the Union, and selecting delegates to the Union Conservative National which meets in the city of Cincinnati, on the 1st of June next.

JAMES GUTHRIE, Chairman.

GEORGE D. PRENTICE,

KNOX DOERN,

HAMILTON POPE.

EDNESDAY, MARCH 16, 1863.

We suppose that Col. Wulford, being our only officer, may have technically violated the articles of war in speaking as Lexington of his superior officer, the General of the Army and Navy, but, if the General deal harshly with him, it will furnish with the Federal cause in this.

This never was a more daring a

solute, a more vigilat, a more inde-

pendent officer than Col. W., and there never

the number commanded more troops

in the field. They always had an ad-

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be pardoned, in consideration of

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# LOUISVILLE JOURNAL

A NOVEL CASE IN THE COURT OF QUEEN'S BENCH.—*THE DRAKE & TRAM.*

[From the London Times.]

WESTMINSTER, February 11.—(Sittings in Bar, before Mr. Justice Crompton, Mr. Justice Blackburn, and Mr. Justice Moller.)

THE DUKE OF MARLBOROUGH VS. OSBORN.

This was a case which raised a rather philosophical discussion with some interesting points.

The Duke, against whom the plaintiff has a suit, at Hatherleigh, in Oxfordshire, to recover his farm, on the ground of an alleged forfeiture on the following clause in his agreement of tenancy:

"The tenant to perform each year, to the Duke of Marlborough, £1000 of one's own team with two horses and one proper person, for every £500 of rent, when required (except at hay or corn harvest), without being paid for the same."

The Duke, who had sent a cart to carry coal from the mine, sent a cart to carry coals from the mine, stating at the Duke's mansion at Blenheim. This the tenant refused to do, though he offered to send the horses and the man, contending that the Duke was to find a team to do the work.

After the affair, the Duke seemed to be anxious for his retreat and divided his forces, so as to increase the chances of escape.

The Duke, who was at Oxford, before Mr. Justice Byrnes, who reserved the point, the verdict being entered for the Duke subject thereto.

Mr. Huddeleston, Q. C., had obtained a rule on the part of the court to set aside the verdict and enter it for him.

Mr. Gray, Q. C., and Mr. Coops argued the part of the Duke, in the course of his reading the verdict, and called in aid the verdict, and asked the court to set aside it. They contended that according to the agreement as the tenant was to do "team work" and it could not be done without a cart, he was bound to find the cart.

In the course of the argument of Coops, Mr. Justice Crompton said, in the course of his reading he had met with the following lines, which seemed to show that the team was separate from the cart:

Giles Jolt was sleeping—in his cart he lay,  
Some good news to him, some bad news to me;  
Giles wakes and cries, "Dad's coming, what's here?"  
I'll go, I've lost six guidins to my smart;  
I'll go, I've lost a few o' my cart.  
(Much laughter.)

Mr. Justice Blackstone cited some lines from one of Wadsworth's poems—we believe from the Wagoner—the lines beginning thus:

"My cart is stuck, and I am stuck;  
My cart is stuck, and I am stuck;  
My cart is stuck, and I am stuck;  
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(Much laughter.)

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(Much laughter.)

Mr. Justice Crompton said these citations seemed to imply that the team was distinct from the cart.

Mr. Cripps urged that the team without the cart would be of no use, and he cited a stanza from Gray's Elegy:

Out of the west rose their sickle yield.

How soon did they drive their team astir,  
How soon did they sweep their strokes.

He also cited the description given by Casar of the mode of fighting from the chariot adopted by the ancient Britons, who used to come on horseback and shoot a spear, a bow and arrow, and then dismount and pursue the enemy.

This learning also alluded to what he called the "graphic" account of the battle of Bull Run, in which it was stated that "the teamster cut the traces of the horses."

Mr. Huddeleston, Q. C., and Mr. Griffiths argued on behalf of the farmer, in support of the rule to enter the verdict in his favor. They cited Bowditch's Anglo-Saxon Dictionary.

"Team" is often a proper noun, a company of children, something in a line."

Mr. Justice Crompton—Surely the word there must be spelt "team"! [Laughter.]

The learned counsel cited Richardson's Dictionary—"A team or team of yoke of working-cattle," adding—"Some application it to a litter of pigs!" [Laughter.]

Mr. Justice Crompton—What is the word applied to a litter of pigs? [Great laughter.]

The learned counsel observed that it even applied to a line of four, in fact, to a line of any sort of animals. It meant in the present instance a pair of working horses in a line—not abreast, for that would require a different kind of harness, and would not be suited to that a man's to drive them.

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